UNITED NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

Distr.
GENERAL

CEDAW/C/SR.241
8 February 1994

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Thirteenth session

SUMMARY RECORD OF THE 241st MEETING

Held at Headquarters, New York,
on Monday, 24 January 1994, at 10 a.m.

Chairperson: Ms. CORTI

CONTENTS

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

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The meeting was called to order at 10.25 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial and second periodic reports of Zambia (CEDAW/C/ZAM/1-2 and Amend.1)

1. The CHAIRPERSON said that the representative of Zambia had been delayed, in view of which the meeting would be suspended pending her arrival.

The meeting was suspended at 10.30 a.m. and resumed at 11.40 a.m.

2. At the invitation of the Chairperson, Ms. Chigaga (Zambia) took a place at the Committee table.

3. Ms. CHIGAGA (Zambia), introducing the initial and second periodic reports of her country (CEDAW/C/ZAM/1-2 and Amend.1), said that the advent in Zambia in 1991 of a multiparty State and the abandonment of central planning had resulted in far-reaching political and economic change with a concomitant impact on women's activities.

4. Under the former political system the Women's League of the ruling United National Independence Party had been responsible for coordinating women's activities, but each political party now had its own grouping on women's issues. Since the change in the political system in 1991, the National Commission for Development Planning had been established by the Government to coordinate women's programmes.

5. While there was no deliberate policy of discrimination against women, women were in a disadvantaged position as a result of historical and cultural factors. Zambia was a male-dominated society and girls were taught the supposed virtues of meekness. That attitude meant, for example, that girls were not encouraged to pursue their education.

6. Since the ratification by Zambia of the Convention, in the context of the United Nations Decade for Women, there had been a steady increase in women's activities. In particular, non-governmental organizations had become extremely active, and the Government had adopted a more interventionist stance. Article 23 of the 1991 Constitution specifically prohibited discrimination, inter alia, on the ground of sex or marital status, an important step forward since prior to that, many people had considered discrimination against women to be socially acceptable.

7. With respect to article 4 of the Convention the Government had adopted special measures to encourage girls to take up technical subjects such as science and mathematics as part of their education. As a result girls now accounted for approximately 20 per cent of students in those areas.

8. Following the adoption of the 1991 Constitution the position of women had also eased in other areas, such as access to credit and loans from financial institutions, which previously had required the approval of a married woman's

(Ms. Chigaga, Zambia)

husband. In addition the Zambian Government was seeking to unify customary and statutory law as it applied to women, for example, the legislation governing succession and inheritance. All those measures represented positive changes.

9. Women had always been active in the political sphere, but were underrepresented. Of 150 Members of Parliament, only 9 were women, and cabinet representation was also low. The Government was now seeking to promote a political system that was genuinely open to both men and women. Because of their relatively poor education many women simply did not have the requisite educational background to compete successfully. Again, the Government was aware of and was seeking to redress the problem.

10. The adoption of the structural adjustment programme had resulted in much belt-tightening in the country, with negative economic and social repercussions. In view of the country's dire economic situation, women's issues were not at centre stage, and were unlikely to receive a high priority for the next five years.

11. Ms. FORDE observed that while the Zambian Government clearly intended to advance the cause of women, the problems were many, and often insurmountable. There was the question of women's education and literacy, and above all the impact upon women of the structural adjustment programme, which, because of its rigidity, was forcing developing countries like Zambia to breach the provisions of articles 13 and 11 of the Convention. The devastating impact of structural adjustment programmes was not emphasized enough in international bodies, and the Committee should highlight it.

12. In the next report, comments on the Committee's General Recommendations would be useful, especially on General Recommendation No. 14 regarding female circumcision and General Recommendation No. 19 regarding violence against women.

13. She commended the fact that Zambian law recognized equality between men and women in regard to their legal capacity (para. 39 of the addendum to the report) [CEDAW/C/ZAM/1-2/Amend.1].

14. Ms. ABAKA observed that, as in the case of Rwanda at an earlier session, the State party should be advised to send as its representative someone who had had a hand in writing the report rather than someone unfamiliar with its contents.

15. The Government had taken a highly commendable approach in establishing Women's Affairs Desks in all Ministries, so that its approach to women's issues could be integrated (para. 16 of the addendum). The next report should indicate whether the Women In Development Department (para. 17) had actually fulfilled its objectives.

16. Ms. AOUIJ said that a good picture had been given of the difficulties of the transition to democracy in political and economic life, a process which often did not favour women.

(Ms. Aouij)

17. One positive aspect had been the development of women's associations: since 1991 a number of non-governmental organizations had joined the pioneering Women's League in promoting women's issues. She wondered what was the role of such non-governmental organizations in the governmental machinery described in paragraphs 16 and 17 of the addendum to the report; and to what extent they were actually participating in the committee established by the Government to review the Constitution. Zambia had done nothing to harmonize its domestic law with the Convention; even its Constitution authorized discrimination in areas where custom had the force of law. Again, it would be interesting to know what the non-governmental organizations were doing to deal with an educational system that reinforced negative stereotypes of women and with negative treatment of women in the media.

18. She believed that the Committee should take a position on the havoc caused by structural adjustment programmes in developing countries.

19. Ms. BRAVO de RAMSEY, while acknowledging that the transition to democracy required time, pointed out that it had in fact been 30 years since Zambia gained its independence and 12 years since it ratified the Convention, yet the situation of women had hardly improved. She wondered why the pace of change had been so slow and whether the obstacles were legal, educational, social and economic, or simply due to custom.

20. Ms. SCHOPP-SCHILLING said that she hoped the reporting guidelines would be followed by Zambia in subsequent reports, although she understood the circumstances that had precluded providing specific data.

21. The impact of the structural adjustment programme should not be invoked too easily as an excuse for not putting women's issues at centre stage. Women represented more than one half of the population and their concerns should not be the focus only when all was going well; moreover, women were those most affected when economic times were hard. One of the tasks of the newly established Women's Affairs Desks in Zambia was to encourage officials of the patriarchal system currently in place to do everything possible to alleviate the impact of structural adjustment programmes on women. Development depended on the development of the female population.

22. Ms. LIN Shangzhen observed that there was much room in Zambia for improving the status of women, who had certainly done their share to liberate the country from colonial rule. She would like more information on the inherent cultural and social factors that prevented women from enjoying their rights, especially the right to employment, which was the key to political participation. She agreed with the conclusions at the end of the addendum to the report.

23. Ms. UKEJE said that she believed the Committee should take a position on the crushing impact of structural adjustment programmes, which should not have the effect of sacrificing women's rights on the altar of other, supposedly more pressing, rights.

24. Ms. GORDOLICH de CORREA observed that in a developing country in full transformation like Zambia it was the women themselves who must tell the Government which women's issues be brought to the fore. The Zambian Government's decision to establish high-level Women's Affairs Desks in the various Ministries would allow women to help decide where funds should be channelled and emphasis put.

25. She regretted that Zambia had let slip an opportunity to include human rights treaty provisions in its domestic law when it had revised the Constitution in 1991. The Government should heed the Committee's recommendations and those lately issued by the Inter-Parliamentary Union urging the adoption of laws to overcome the serious imbalance in political life, in both the legislative and the executive branches of Government.

26. Ms. ABAKA said that the 1991 Constitution still contained many discriminatory provisions, especially with regard to customary law. Fortunately, the President had pledged to review the Constitution and a women's constitutional committee had already been put in place. The next report should indicate what had been done.

27. Ms. BRAVO de RAMSEY asked what was the current status of widows in Zambia and of their right to take care of their children (para. 21 of the addendum) and how the Government intended to protect those rights.

Article 3

28. Ms. ABAKA observed that neither part of the report addressed article 3 in any way and hoped the next report would do so.

29. Ms. SCHOPP-SCHILLING said that she would like the next report to give many more details on the national machinery set up to promote women's issues, especially with regard to their powers, their budget, their structure and their effectiveness.

30. Ms. OUEDRAOGO noted that paragraph 22 of the addendum gave no details on the actual situation of women and how they must advance to arrive at equality with men, and she expected that the next report would do so. The application of laws was always in the final analysis an empirical problem.

Article 4

31. Ms. BRAVO de RAMSEY said she supported the practice of lowering the cut-off marks for women so that more women could qualify for education at the secondary-school level. However, she was concerned that a decision to require quotas could be counter-productive.

32. Ms. KHAN welcomed the incorporation of the Women in Development Unit in the National Commission for Development Planning and the establishment of Women's Affairs Desks to coordinate programmes for women in various ministries and departments in the Zambian Government. In that connection, she wondered what specific measures were being taken to coordinate women's programmes and also how effective the Fourth National Development Plan had been with regard to integrating women in development.

33. Ms. LIN Shangzhen asked for more information concerning the lowering of cut-off marks to make it easier for female students to enter secondary schools. In addition, she wished to know more about measures taken by the Government to encourage women to study scientific and technical subjects, specifically, whether those measures were effective and how the public was responding to them.

Article 5

34. Ms. SCHOPP-SCHILLING said the Committee needed much more information regarding the customary practices and traditions discussed in paragraphs 26 and 27 of the addendum to the report. As a European, she did not have a detailed picture of what those practices were. Moreover, while approving of Zambia's system of quotas for women in secondary education, she wondered why it had been necessary to lower educational standards in order to increase the number of female students. Perhaps girls received a lower quality of instruction at primary-school than boys. In her view, lowering standards could serve to reinforce negative stereotypes about women.

35. Ms. MUÑOZ-GOMEZ said she welcomed the presence of a chapter on the role of women in development in Zambia's Fourth National Development Plan. However, she had questions concerning the special measures adopted by the Government to modify social and cultural patterns of conduct that denigrated women, particularly with regard to the payment of bride price. The Addendum to the main report had not contained enough detailed information on that question. Furthermore, she wondered to what extent conditions had changed for women in rural areas. In particular, she wished to know whether women in rural areas could divorce and whether they encountered violence when they expressed an desire to do so.

36. Ms. KHAN said that, according to reports from non-governmental organizations, violence against women was a very serious problem in Zambia. In fact, according to one source, 4 out of 10 women were abused either physically or mentally by their partners. In that connection, she wanted to know what special measures were being taken by the Zambian Government and other women's non-governmental organizations that were active in Zambia to deal with the problem of violence against women.

Article 6

37. Ms. ABAKA and Ms. BRAVO de RAMSEY wished to know more about the conditions under which Zambian police detained women on charges of prostitution. Concerns had been raised by reports of women being arrested simply for being seen unaccompanied on the street. It would also be useful to know whether the male customers of prostitutes received penalties equivalent to those received by prostitutes themselves.

Article 10

38. Ms. SCHOPP-SCHILLING asked whether there were still programmes to combat illiteracy in Zambia, since the rate of illiteracy in the country was still quite high, particularly among women.

39. Ms. KHAN said she had been surprised to note the high secondary-school drop out rate among women, notwithstanding the efforts of the Government to encourage educational achievement among women. She wondered if poverty had been the main reason for girls dropping out of school after primary school.

Article 11

40. Ms. ABAKA said the presence of large numbers of women in the informal sector of the economy was a common feature of economic life in the developing world, especially in Africa. However, women working in the informal sector were subject to frequent harassment from local authorities and law-enforcement personnel. Women in informal-sector occupations paid taxes and fees and yet were told their activities were illegal. They were often harassed on the pretext that their businesses were being operated in the wrong places or were causing damage to the environment.

41. She believed the international community should consider abandoning the term "informal sector", since it had come to refer to illegal activity and put the activities of women in an unfavourable light. She suggested that women in the informal sector in Zambia could learn from the example of Ghana, where women had begun to organize themselves in associations that would enable them to have some bargaining power with the Government.

42. Ms. ILIĆ said she believed that job security was the one area in which women were most in need of equality. The scarcity of employment in Zambia as a result of the difficult economic situation was driving women out of the job market. She hoped the Government would take steps to increase the overall number of jobs and thereby create more jobs for women. She also wished to know whether there were any professional orientation programmes available for women who had received secondary education and training.

Article 12

43. Ms. SCHOPP-SCHILLING said she had questions about women's reproductive rights, specifically, whether Zambian women had access to contraception, abortion services and population programmes.

44. Ms. KHAN said she had been intrigued by the statement in paragraph 8 of the report that women constituted 60 per cent of the population in Zambia. She wished to know the reason for the discrepancy. She also requested data on the number of female heads of households in Zambia and the maternal mortality rate.

45. Ms. UKEJE said she had questions about the entitlement to maternity leave in Zambia. In particular, whether a woman could apply for maternity leave if less than two years had elapsed since she had given birth. She was concerned that the Government could be using the maternal leave policy as an indirect form of family planning.

Article 13

46. Ms. OUEDRAOGO wished to know what were the leading cuases of death among Zambian women and whether the provision of primary health care services to women and children was helping to reduce mortality rates. Information on those subjects was missing from the report.

47. Ms. ILIĆ wished to know more about family benefits to women and the conditions for receiving them. In addition, she wished to know the conditions under which women were extended credit for small businesses.

Article 14

48. Ms. OUEDRAOGO asked whether further information could be given in subsequent reports regarding Government's efforts to make its programmes accessible to women. It had been learned from previous reports that enhancing public awareness of programmes for women was often crucial to the success of those programmes.

Article 15

49. Ms. UKEJE said that the assignment of civil servants at the rank of Assistant Secretaries to head the Women's Affairs Desks did not appear to be consistent with the important work the units would be called upon to perform. With that in mind, she wished to know more about the specific functions of the Desks, the qualifications of personnel assigned to them, and the size of Desk staffs.

50. Ms. SCHOPP-SCHILLING said the Committee needed additional information regarding female heads of households, specifically, the distribution of female heads of households in urban and rural settings. If women were not allowed access to formal employment, she wished to know how they raised their families.

The meeting rose at 1.15 p.m.

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Thirteenth session

SUMMARY RECORD OF THE 242nd MEETING

Held at Headquarters, New York,
on Monday, 24 January 1994, at 3 p.m.

Chairperson: Ms. GARCIA-PRINCE
(Vice-Chairperson)

later: Ms. CORTI
(Chairperson)

CONTENTS

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Organization of work

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In the absence of Ms. Corti, Ms. Garcia-Prince, Vice-Chairperson, took the Chair.

The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Combined initial and second periodic reports of Guatemala (CEDAW/C/GUA/1-2 and Amend.1 and Corr.1)

1. At the invitation of the Chairperson, Ms. Recinas-Hernandez de Maldonado (Guatemala) took a place at the Committee table.

2. Ms. RECINOS-HERNANDEZ DE MALDONADO (Guatemala), introducing the combined initial and second periodic reports of Guatemala (CEDAW/C/GUA/1-2 and Amend.1 and Corr.1) said that her Government had had difficulty in obtaining statistics on some specific aspects covered by the Convention. Furthermore, there had been some changes in Guatemala since the report had been submitted.

3. At the end of May 1993, President Elías had dissolved the legislature and the Supreme Court of Justice, thereby halting the entire democratic process and jeopardizing the rule of law. That situation had lasted for 15 days. With the overthrow of President Elías and the assumption of power by President Carpio, who had been declared the constitutional President of Guatemala, by the Congress of the Republic, legality and democracy had been restored.

4. In 1993, the population had been estimated at 10 million; 49.5 per cent of that total were women, and 62 per cent lived in rural areas. The Government was implementing policies to strengthen respect for and the observance of human rights, including women's rights. The new President was a former prosecutor in human rights cases, and he had particularly emphasized human rights ever since he had taken office.

General questions

5. Ms. BUSTELO said that it was apparent from the two reports that the Guatemalan Civil Code still embodied strong discrimination against women, particularly in article 17; however, the reports gave no indication why that was so or what measures had been taken or were planned. According to information from a non-governmental organization, a lawsuit had been brought before the Supreme Court alleging that some articles of the Civil Code were unconstitutional, and the Court had ruled that the articles in question were not discriminatory; she asked for more information in that respect.

6. There was no specific information regarding the Guatemalan Government's policy on family planning. She asked what results had been achieved, whether there were sufficient resources, and if the policy was helping to bring about an improvement in the health of women and children. She requested updated information on the national machinery concerned with policies for women and asked whether any changes were being made under the new Government.

7. Ms. KHAN said that it was indicated in paragraph 44 of the report that by ratifying the Convention, Guatemala had implicitly accepted the concept of discrimination embodied in article 1. However, it appeared that Guatemala was sharply divided by class and race and that, according to information from NGOs and other sources, indigenous women and poor white women were suffering discrimination. She asked whether the National Office for Women's Affairs was developing programmes to promote the advancement of such women.

8. Ms. SCHOPP-SCHILLING said that although the report was remarkably frank, there was no information on the development of policies and on their effects. A full description of the de facto situation was given, including an annex with statistics, but information was needed on progress made and problems encountered. It was necessary to differentiate between the de jure and the de facto situation.

9. Ms. OUEDRAOGO said that the report conformed with the Committee's general guidelines and gave a picture of the de facto situation of women in Guatemala. It was clear that many legislative provisions had been adopted for the advancement of women; the Government should continue on that course. It was commendable that the report had been drafted with the participation of all the bodies concerned with women's affairs since that would foster greater awareness of the efforts that remained to be made. However, it was regrettable that no analysis had been made of the actual progress made and the obstacles encountered.

Article 2

10. Ms. BRAVO DE RAMSEY said that although the report was very extensive, very little was said about articles 2, 3 and 4; fuller explanations should be given on the political, legal, economic and social measures that had been taken to promote the integration of women.

Article 3

11. Ms. AOUIJ said that the return of the rule of law in Guatemala and the resumption of democracy had important implications for women.

12. In paragraph 52 of the report (CEDAW/C/GUA/1-2), a remarkable description was provided of the responsibilities of women; yet women did not have the place in political and economic life and in the family that they deserved.

13. On the question of violence against women, a number of NGOs had noted that without a change in the level of political violence in Guatemala, women would suffer from violence in the family, workplace and political institutions. The widows' organizations of Guatemala were known throughout the world as leaders in the struggle for justice and equality. It was to be hoped that the situation would improve under the new regime.

Article 4

14. The CHAIRPERSON said that nearly all the experts had expressed regret about the lack of information about what the Government was doing to accelerate de facto equality for women.

Article 5

15. Ms. AYKOR noting from paragraph 60 of the report that there was a tendency to blame prostitution on the women themselves, and that the use of such services by men was felt to be justified and necessary, said that in most developing countries, male-dominated attitudes ruled social life and women were in great danger of being exploited. Society should consider the reasons why women found themselves in the unwanted situation of being prostitutes. She asked for statistics on the number of prostitutes and asked whether any preventive health care or rehabilitation had been established for prostitutes since the submission of the report.

16. Ms. BUSTELO said that although a full description was provided on the situation with regard to article 5, there was no indication of whether measures were being implemented by governmental or non-governmental organizations or of what was being done to bring about change in sociocultural attitudes.

17. Information was also needed on whether measures that were implemented also applied to the rural area and on what success had been achieved and what difficulties had been encountered. In reporting on the phenomenon of violence, the Guatemalan Government should take into account all aspects of the Committee's general recommendation 19.

Article 6

18. Ms. OUEDRAOGO said that the report indicated that prostitutes were marginalized but did not make it clear what the Government's position was and what measures had been taken or were planned for the socio-economic rehabilitation of prostitutes. Statistics were needed on prostitution and on what age groups were most affected; such statistics would be very useful for developing appropriate policies. Prostitutes were doubly marginalized, as prostitutes and as women, and when the socio-economic situation deteriorated, their situation became even worse.

Article 7

19. Ms. SCHOPP-SCHILLING said that although the report indicated that there was no longer any discrimination against illiterate women in respect of voting rights, no figures were provided on the number of women who voted or on their political preferences. She asked whether there were any restrictions on voting in rural areas and whether land owners influenced the voting of women plantation workers.

Article 10

20. Ms. GURDULICH DE CORREA said that education was a vital tool in ending the discrimination against women in Guatemalan society. The report failed to indicate what steps were being taken to change the prevailing cultural pattern in which men exercised all authority and women were relegated to subordinate positions in society as a whole. She wished to know what action was being taken to remedy that situation and, in particular, what efforts were being made to reduce illiteracy, which affected more women than men.

21. Ms. BUSTELO asked whether the segregated schools for boys and girls at the primary and secondary levels, as described in paragraph 91 of the report, still existed and whether the introduction of co-educational schools had not resulted in financial savings. She wondered whether the considerable cultural and linguistic diversity of Guatemala increased the cost of providing education and would welcome further information on specific educational programmes, the impact of linguistic diversity on access to education and the relationship between the various languages spoken and the incidence of illiteracy.

22. While paragraph 106 of the report stated that no occupations were prohibited to women on legal grounds, she would welcome concrete, comparative data on employment rates for men and women.

Article 11

23. Ms. AYKOR, noting from paragraph 124 that the principle of equal pay for equal work which was covered by article 102 of ILO Convention No. 100 did not apply in Guatemala, expressed the hope that the Government of Guatemala would soon be able to report that article 102 of said Convention had been fully implemented.

24. She noted that women in Guatemala were employed mainly in the informal sector and, consequently, enjoyed less favourable working conditions and social security coverage than men. Moreover, while the law required employers with more than 30 workers to provide support services for the children of their female employees, the law did not apply if the total number of workers was less than 30. She would welcome clarification as to whether the total number referred to female workers only or to both male and female. If it referred to women only, then employers could deliberately refrain from recruiting the number of women which would make the rule enforceable. Efforts must therefore be made to use the combined total of male and female workers for the purposes of the law in question.

25. Ms. NIKOLAEVA said that the information contained in the report was not fully satisfactory, since it lacked any real analysis. It was important to know what steps had been taken to familiarize the public with the standards laid down in the Convention, the attitude of women in Guatemala to the Convention, what action the Government had taken, and the obstacles that had been encountered.

26. The report stated without elaboration that discrimination existed against women in the area of employment and remuneration. It appeared, for example, that, on average, women earned 53 per cent of what men earned. She wished to know whether women in Guatemala were mobilizing to defend their rights.

27. Ms. KHAN asked whether the disparity between the wages of men and women described in paragraph 124 of the report was also found in the informal sector. She would welcome information on the steps that were being taken to end that disparity.

28. Ms. MAKINEN expressed concern at the large number of women who were active in the informal sector and who therefore lacked social security benefits. She wished to know what steps the Government proposed to take to improve the status of such women and whether they had the right to join trade unions.

29. Ms. BRAVO DE RAMSEY observed that the fines levied on employers who dismissed women on the grounds of pregnancy were so low that the employers preferred to pay the fines rather than to reinstate the workers. The situation was a serious one which affected the welfare of women and children and she hoped that it would receive the Government's urgent attention.

30. Ms. SCHOPP-SCHILLING asked whether women employed in the informal sector had been included in the statistics on the economically active population. She would also welcome more information on the working conditions of women employed in the garment industry in free trade zones and on the action which the Government proposed to take to improve those conditions.

Article 12

31. Ms. SCHOPP-SCHILLING noted that article 47 of the Constitution of Guatemala guaranteed the right of women to choose the number of their children. According to an NGO report, however, family planning was not among the Government's priorities. She would therefore welcome information on whether a family planning programme had actually been instituted in Guatemala, the number of women who benefited from it, and whether both urban and rural women had access to contraceptives. She also wished to know whether penalties were prescribed for women who had abortions.

Article 14

32. Ms. SCHOPP-SCHILLING said that the gross inequality of land distribution affected the status of women in Guatemala, 66 per cent of whom lived in rural areas. She wished to know whether a system of bonded labour existed on plantations and whether the recent economic reforms undertaken included the redistribution of land. It would also be useful to know whether women in the rural areas had access to such services as child care and health care. Finally, she wondered whether women had the right to obtain credit and to own land in Guatemala.

33. Ms. OUEDRAOGO, referring to paragraph 167 of the report, said that the inculcation of rigid social roles for boys and girls from an early age was the root cause of the obstacles to the advancement of women in Guatemala. Such education merely served to reinforce the stereotypical and sexist role of women as vessels of procreation. She wished to know what measures the relevant ministries and agencies proposed to take to break that mould, without which all other programmes were doomed to failure.

Article 16

34. Ms. KHAN suggested that the Government should establish the same minimum marriageable age for boys as for girls. Moreover, the current legal marriageable age of 14 years for girls and 16 years for boys was a violation of the rights of the child.

35. Ms. SCHOPP-SCHILLING expressed concern at the existing legislation governing the family in Guatemala, saying that it reinforced unfavourable stereotypes. The requirement that women should obtain the consent of their husbands before seeking employment outside the home ignored the current reality

(Ms. Schopp-Schilling)

of many women and seemed a throwback to the nineteenth century. There was a clear discrepancy between family legislation in Guatemala and the relevant provisions of the Convention. She therefore wondered whether women's groups in Guatemala had been calling for a review of family legislation. The current President of Guatemala was a known advocate of human rights and the Government should therefore respond favourably to requests for a change in the legislation.

36. Ms. AOUIJ observed that the family structure in Guatemala was patriarchal in that the husband was the uncontested head of the family and the wife could assume that position only if the husband was legally incapacitated or absent. It was difficult for women to make progress on the economic and social fronts if their subordinate roles were so firmly rooted in the home.

37. The requirement that women obtain their husband's consent in order to work outside of the home was a violation of the constitutional right of women to work and she wondered whether women had ever sought to defend those rights in court and what had been the ruling of the courts on the matter.

38. Ms. BUSTELO said that the civil code of Guatemala contained provisions that were highly discriminatory. The discriminatory elements should be eliminated from the laws governing nationality, for example, and those concerning the duties and responsibilities of men and women. It was impossible to achieve genuine equality without removing such discrimination. Despite the negative influence of certain social and cultural norms, efforts must begin with a review of family legislation.

39. The penal code also contained discriminatory provisions, since adultery by men and women was accorded different treatment under the law.

40. Ms. RECINOS-HERNANDEZ DE MALDONADO (Guatemala) said that she would welcome further clarification on those aspects of the Civil Code that were seen as conflicting with the Convention. Furthermore, since Guatemalans viewed their law on nationality as a progressive one, it would be useful to know which part of that legislation was considered discriminatory.

41. Ms. BUSTELO said that she would reply to those queries in writing, if the representative of Guatemala so agreed. It would also be useful to know if there was recourse to action of unconstitutionality in Guatemala.

42. The CHAIRPERSON thanked Guatemala for the frank and inclusive nature of its report. Although Guatemala had ratified the Convention without reservations, there remained a tremendous chasm between the law and practice with regard to virtually every article of the Convention. Guatemala's next periodic report should accord special consideration to equal treatment of women under the Civil Code. The members of the Committee had found the report lacking in its treatment of the efforts on the part of the Government with regard to articles 7, 10, 11 and 12. More information would be useful on illiteracy, on rural and urban women, and on any efforts that had been undertaken to make social security available to a broader spectrum of society, especially rural women. Unfortunately, Guatemala remained a patriarchal society on all levels, and a significant gap existed between the treaties ratified by that Government

(The Chairperson)

and the basic principles of its Constitution. Guatemala must redouble its efforts to bring its legislation into line with those international instruments.

43. Ms. Corti (Chairperson) resumed the Chair.

ORGANIZATION OF WORK

44. Ms. GARCIA-PRINCE, reporting on the progress of the Working Group on the Compendium on the implementation of the Convention, said that the Compendium had been planned originally to include two sections: first, a historical summary of the origins and work of the Committee, and second, an analysis of the articles of the Convention, with emphasis on the Committee's interpretations of each. She suggested that the members of the Committee should formulate suggestions on aspects of those articles that should be included in the Compendium, and should submit them to the Secretariat by April or May at the latest.

45. The Working Group had, however, determined that the Compendium should also include a third section consisting of a description of the evolution of the Committee's discussion of the Convention, and an assessment of results, namely, the measures undertaken by Governments under the terms of the Convention to improve the situation of women. That section should also refer to the Committee's efforts to prevail on other treaty bodies to incorporate a gender perspective into their deliberations.

46. The CHAIRPERSON said that the structure described by the Working Group seemed well formulated. She suggested that the section on article analysis should perhaps include not only observations that the Committee had made in its deliberations to date, but a more in-depth assessment; the Committee might consider inviting outside experts to assist it in such an endeavour.

47. Ms. BUSTELO said that she would welcome the assistance of outside experts, within the structure described by Ms. Garcia-Prince.

48. Ms. SCHOPP-SCHILLING said that although the use of outside expert assistance might well expedite work, she wondered whether funding would be available for such a project.

49. The CHAIRPERSON said that the Committee might consider appealing to the specialized agencies, for example, to finance expert meetings on particular articles of the Convention.

50. Ms. GARCIA-PRINCE said that while the contribution of outside experts could prove useful, she would strongly prefer it if the Committee endeavoured to formulate its own position.

The meeting rose at 5.20 p.m.

UNITED
NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

Distr.
GENERAL

CEDAW/C/SR.243
10 February 1994

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Thirteenth session

SUMMARY RECORD OF THE 243rd MEETING

Held at Headquarters, New York,
on Tuesday, 25 January 1994, at 10 a.m.

Chairperson: Ms. CORTI

CONTENTS

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Second periodic report of New Zealand (CEDAW/C/NZE/2 and Add.1)

1. At the invitation of the Chairperson, Ms. O'Regan, Ms. Rowe and Mr. McKinnon (New Zealand) took places at the Committee table.

2. Ms. O'REGAN (New Zealand) said that the submission of its second report was timely, in that New Zealand had just celebrated the centennial of women's suffrage; women in New Zealand had the right to vote since 1893. That celebration had also provided an opportunity to assess the current position of women and the remaining barriers to true equality. A new Human Rights Act had been adopted in 1993 which prohibited discrimination not only on grounds of sex, race and religion, but also pregnancy, marital and family status, sexual orientation, disability, age, employment status and political opinion and other grounds.

3. Since the submission of its first report, New Zealand had undergone significant economic change. The change of government in 1990 had brought with it an accelerated programme of social and economic reforms, including the reform of the welfare system. Among long-term trends affecting women in New Zealand, the two-parent family was becoming less dominant and single-parent families, extended families and other family groupings were becoming more numerous. Women currently made up 43 per cent of its paid workforce and were establishing their own businesses at a faster rate than men. They had also made gains in many former male bastions such as the law, medicine and business. Girls and women were surpassing males at most levels of the education system and the proportion of women studying at university level in several fields had increased to roughly half. In addition, Maori women were playing a central role in the renaissance taking place in their language and culture.

4. Women currently held powerful positions in public life. The Governor General and the mayors of three of the largest cities were women, as were 20 per cent of the members of Parliament. The Ministry of Women's Affairs was regarded as a key policy agency. Women's non-governmental organizations, including Pacific Islands women's groups, which were gathering momentum, had played a crucial role throughout New Zealand's history.

5. Turning to the status of New Zealand's reservations to the Convention, she reported that New Zealand had withdrawn its reservation concerning the employment of women in underground working mines. There had been some advances in employment opportunities for women in the armed forces: women in the Air Force could now perform all combat roles during peacetime, and, in the Navy, women could serve on combat vessels within New Zealand waters. However, the Government had decided not to change the overall policy with regard to the employment of women in combat roles; therefore, New Zealand was not yet in a position to remove its reservation. With regard to law enforcement agencies the new Human Rights Act reflected a significant policy change under which all law

(Ms. O'Regan, New Zealand)

enforcement duties, including those involving violence, could be carried out regardless of gender. With regard to paid maternity leave, the Government considered that payment for maternity leave was a matter for negotiation between the parties to an employment contract. For that reason, it wished to maintain its reservation.

6. She noted that women's average hourly earnings remained around 81 per cent of men's and said that equal employment opportunities were key to eliminating discrimination and ensuring women's equal participation in the economy. The Equal Employment Opportunities Trust had been established to promote equal employment opportunities as good management practice. Women in paid employment were more likely than men to have responsibility for the care of children and elderly dependants, hence efforts were being made to promote a "family friendly" workplace. Most single-parent families were headed by women and had much lower incomes than two-parent families. A pilot project had been designed to help single parents enter paid employment. New Zealand's population was ageing and elderly women significantly outnumbered men. Agreement had recently been reached on a retirement income policy that required State benefits to be adjusted annually in line with the consumer price index. Women would continue to be eligible for benefits as individuals.

7. More cases of violence against women were being brought to the police and increasing numbers of women were seeking the assistance of women's refuges. The Government had taken a number of steps to address the situation, including subsidies to women's refuges and legal and policy measures. The New Zealand police had identified family violence as a key concern in their five-year strategic plan. Pornography was also an area of great concern to many New Zealand women. Recent legislation in the area represented a major shift in the Government approach to censorship. Under the new legislation, censorship decisions would be based on actual or likely harm that would result from the availability of a particular material. The previous approach had focused on moral acceptability and had made a distinction between public and private use, which had been removed. Possession of banned material had been made an offence, in an attempt to improve the effectiveness of the law in dealing with underground markets for extreme material. The legislation also contained provisions regulating the packaging or display of such material.

8. Women's health had emerged as a key issue, and national screening programmes for cervical cancer and breast cancer had been established. Moreover, the Government had taken significant steps to involve more Maori women in the design and delivery of health services, which had led to the development of more effective and appropriate services. Maori women had been active in many other areas as well, most notably the business and entrepreneurial sectors. They had also been instrumental in the revival of the Maori language and the establishment of schools in which the entire curriculum was taught in the Maori language.

9. Education was critical to the advancement of women, and New Zealand was proud of the high standard of its early childhood care and education. At the secondary level, greater numbers of young women continued beyond the compulsory age, and there had been a marked increase in the number of female students

(Ms. O'Regan, New Zealand)

taking maths and science. The Government was working to improve the retention rates for Maori girls and to ensure that the school curriculum was gender-inclusive and non-discriminatory. At the university level, attempts were being made to attract women to such non-traditional areas as science and engineering.

10. Turning to the second report of Niue, which she was presenting at the request of that Government, she said that women in Niue had made significant strides; several women had attained senior posts in Government and in the educational system, and were now entering non-traditional fields of employment as well. Niue had recently been accepted as a full member of UNESCO and hoped to become a member of the World Health Organization (WHO), and its Government hoped that membership would benefit women.

11. The report of Tokelau, New Zealand's last remaining non-self-governing territory, was also before the Committee. Key constitutional changes were currently being implemented and a framework of government based on the atoll was being put into place. That constituted a further step in the continuing process whereby Tokelau was assuming greater control of its own affairs, including the manner in which the rights accorded to its citizens under the Convention would be protected.

12. Turning to the general comments of the pre-session working group, she said that women's groups, including Maori women's groups and other non-governmental organizations, had been involved in all stages of the preparation of the report. It should also be noted that Te Ohu Wahkatupu, the Maori women's policy unit of the Ministry of Women's Affairs, had been consulted on all its aspects.

13. Information had been requested concerning other States associated with New Zealand, besides Niue and Tokelau, to which the Convention had been extended. The Cook Islands was a self-governing State in free association with New Zealand, and its Government was aware of its obligations under the Convention. However, because of limited resources it had been unable to complete its report in time for the current session.

Article 2

14. Ms. O'REGAN (New Zealand) said that the Parental Leave and Employment Protection Act 1987 established minimum entitlements for parents in both the private and public sectors at the time of the birth or adoption of a child and provided unpaid leave of up to 12 months to be shared by both parents. An employee's job must generally be kept open, unless it was a key position or the employee was made redundant. All employees were protected against dismissal for reasons connected with pregnancy or taking parental leave. Most women employed under collective contracts in the public sector had access to maternity leave grants amounting to six weeks of their salary. That sector accounted for approximately 30 per cent of women employed.

15. Marital status complaints made up just 17 per cent of all complaints to the New Zealand Human Rights Commission. Sex discrimination complaints, other than in the area of marital status, constituted over 70 per cent of complaints, mostly in the area of employment. Many complaints concerning de facto

(Ms. O'Regan, New Zealand)

relationships involved access to credit and joint accounts. Those matters were settled through mediation, resulting in compensation and revision of the policies of the private-sector institutions involved. The Human Rights Act 1993, which would come into force on 1 February 1994, contained a broad definition of marital status, including single, married, separated, divorced, widowed and de facto status.

16. The Human Rights Act exemption in respect of superannuation or life insurance policies was due to the different life expectancies of men and women. Women, on average, lived longer than men. Exemptions under the Act were permitted only when supported by actuarial or statistical data. While women paid less for life and term insurance, they paid more for annuities and other retirement schemes. In some superannuation schemes, women received smaller benefits than men for the same contributions or paid higher contributions for the same benefits. Nevertheless, those benefits continued for more years for women. On average, men and women received the same total benefits from the schemes. Group life policies and medical insurance did not have different premiums for men and women. Many group superannuation schemes did not differentiate on the basis of gender.

Article 4

17. Ms. ROWE (New Zealand) said that it was too early to evaluate definitively the results of the Suffrage Centennial Year. Throughout 1993 New Zealand had carried out a wide range of commemorative, historical, educational and research activities and projects. Television documentaries, films and books about women in New Zealand had been produced. Daily radio and television broadcasts provided information on women's lives, achievements and history. There had been international conferences of women judges, historians and scientists.

18. Government departments had organized their own suffrage projects. Activities included scholarships to encourage women in non-traditional areas or to further the education of women already employed. Major research projects had been conducted on women in the rural sector, the representation of women in management, and the social and economic needs of older women living alone.

19. Local groups had organized festivals, exhibitions, pageants and displays. Local authorities had commissioned art works for civic buildings and created displays in parks and reserves. Throughout the Year there had been special activities at Parliament, including photographic displays of past and current women Members of Parliament and women suffragists and the production of educational material on the significance and history of women's suffrage. The Government had allocated funds to the 1993 Suffrage Centennial Year Trust, which had been distributed to hundreds of projects throughout the country. The Year had provided an opportunity to assess the current status of women and consider what still had to be done to achieve true gender equality in New Zealand.

20. Government funding of the Wahine Pakari programme had increased eightfold over the past two years. Upon completion of their six-week training course, trainer-motivators returned to their own communities to train other women in self-employment and could also receive funding from other sources, including

(Ms. Rowe, New Zealand)

Government agencies. Women seeking to establish a business could receive financial assistance and advice through the Business Development Boards, which operated grant schemes to increase international competitiveness; the Community Employment Group, which focused on developing business and management skills; and the New Zealand Employment Service, which operated the enterprise allowance scheme, providing income in the initial stages of establishing a business. The Maori Women's Development Fund, which was administered by the Maori Women's Welfare League provided loans to assist Maori women to establish new businesses. The Fund had received significant Government assistance since its establishment in 1986.

21. Women's studies courses and programmes were offered at some secondary schools, many polytechnical institutions and most universities - sometimes up to the doctoral level - and through community education centres and private training providers.

Article 5

22. Ms. O'REGAN (New Zealand) said that her Government was committed to gender-inclusiveness in all aspects of education policy and development. One of the country's national education goals was to ensure equality of educational opportunity for all New Zealanders by identifying and removing barriers to achievement. The gender-inclusive curriculum acknowledged the educational needs and experiences of girls equally with boys, both in content and in the language and methods of teaching. The Ministry of Education had developed a number of strategies to ensure gender-inclusiveness in all areas of its work. All new policy, research projects and publications were required to conform to established criteria, using non-stereotypical role models and non-sexist language. Such material had been produced for use in schools in New Zealand for nearly 20 years, during which its range and quality had improved greatly. There was greater variety in the portrayal of girls and boys in non-stereotypical roles. The 1993-1994 work programme of the Ministry of Education included a project to develop action plans for improving the quality of education for girls at the pre-tertiary level. Particular emphasis had been placed on the education of Maori girls.

23. Pre-natal and post-natal education was available nation-wide. Pre-natal education was provided by a range of organizations and was generally offered at the later stages of pregnancy and included information on the birthing process. Health-promotion information was also provided to women throughout their pregnancies. Information was also given on topics such as the importance of good nutrition, the effects of alcohol and smoking on foetal development and the importance of immunization. Post-natal education was usually provided free of charge by general practitioners, nurses, midwives and the Plunket Society, which provided health care to children under five on a comprehensive and free basis.

24. There was some evidence that mainstream services were not well used by Maori mothers, who tended to be younger and had a higher fertility rate. One in two Maori households was headed by a sole parent, usually a woman. Ways were being sought to meet the particular needs of Maori women. The Tipu Ora programme was a community based Maori health promotion and intervention

(Ms. O'Regan, New Zealand)

programme for mothers and children and complemented mainstream health services, focusing on parenting support and good parenting practices. The programme had helped to reduce smoking and the number of low-birth-weight babies, promote breast-feeding, improve immunization rates and significantly lower the number of Maori cot deaths.

25. The Maori Women's Welfare League had established 14 health clinics in areas with a high Maori population. Those clinics provided both pre- and post-natal care and education. The Ministry of Maori Development provided funding for a variety of health programmes initiated by tribal bodies and had also developed projects with trust funds focusing on such issues as cot death, immunization, family violence, and drug and alcohol abuse. The distinctive feature of those projects was that the tribal bodies were developing their own health-care services. The Public Health Commission was examining the status of pre-natal and post-natal programmes throughout New Zealand and was aware that current programmes did not always meet the needs of Maori women, especially teenage mothers.

26. A wide range of women's groups had been active in changing New Zealand's censorship legislation. Anti-pornography lobby groups, church organizations and broad-based women's groups sought greater restrictions on the availability of violent and pornographic material, the introduction of a possession offence for banned material, and controls on displaying such material in retail outlets and on advertising billboards. The Films, Videos and Publications Classification Act 1993 made the possession of banned material an offence and introduced new controls for displaying material with age restrictions. While some women's organizations sought more restrictive legislation, all would agree that the changes represented a positive shift in censorship policy. The Act would come fully into effect after the three existing censorship bodies had been consolidated into the Office of Film and Literature Classification, which was expected to be in operation by early April 1994.

27. While the use of women's refuges had continued to increase each year, that might simply be the result of greater awareness of the issue of family violence and of the available sources of support for women who experienced such violence. The New Zealand police had adopted an active arrest policy, treating all cases of domestic violence in the same way as assaults against strangers. The women themselves no longer had to press charges for an arrest to be made. In July 1993, the police had launched a high-profile public-education campaign with the clear message that family violence was a crime. The Government was committed to reducing the incidence of family violence and addressing the concerns of victims through a coordinated crime-prevention strategy. The Crime Prevention Action Group, an interdepartmental group of Government officials, had concluded that strategies to reduce family violence should focus on its causes, such as power and control issues within relationships arising from gender-based inequality, public attitudes relating to "appropriate" roles for women and men in the family, parenting and child-rearing practices, and social-structural factors that placed stress on families. The Government's aim was to develop educational initiatives to change attitudes so that family violence was regarded as totally unacceptable social behaviour.

(Ms. O'Regan, New Zealand)

Article 6

28. There was evidence that sex workers in New Zealand were relatively free of HIV/AIDS. As of June 1993, only 17 women had developed AIDS out of 48 diagnosed with HIV. A study of HIV prevalence at sexually-transmitted-disease clinics had indicated low rates of HIV infection among women and heterosexual men. Factors identified as contributing to the low incidence of HIV/AIDS among sex workers included widespread condom use, which pre-dated the appearance of HIV/AIDS, and government-funded needle-exchange programmes designed to minimize the spread of HIV among intravenous drug users. Surveys had found that there was a growing realization among the general public of the risk of contracting the HIV/AIDS virus. Nevertheless, there was still room for improving knowledge and behaviour regarding HIV/AIDS and preventing its spread.

29. Women's groups had been concerned about the risks of late diagnosis of women with HIV and had underscored the need for information and programmes which specifically addressed the issue of HIV/AIDS and women, including issues arising from pregnancy and breast-feeding. A Government committee had recently reviewed the guidelines for breast-feeding and breast-milk banks and had affirmed that breast-milk banks should ensure that donors were tested for HIV/AIDS and that all breast milk should be pasteurized.

Article 7

30. During the reporting period, increasing numbers of women had entered Parliament in New Zealand. Each election since 1984 had brought more women into Parliament. Women had held some of the most important Cabinet portfolios, including those of Health, Finance, Police, Housing, Labour and Social Welfare. It would be interesting to see whether the new electoral system based on proportional representation would lead to further increases in the number of women in Parliament and possibly the Cabinet.

31. Women also played a leading role within political parties in New Zealand. In 1992, the New Zealand National Party had been the first to elect a woman as its President. There were no definitive studies on why women were successful at the local governmental level. It seemed that when there were more women candidates, more women were elected. Women might be more attracted to local politics, which were less likely to be disruptive if they had a range of other responsibilities, such as child care. Furthermore, involvement in local government was seen as a logical progression from community-based groups, which were often the first step women took in political life. A study conducted in the early 1980s had showed that most of the women local-body candidates preferred to work at that level where they could see the problems involved, talk to the people affected and keep in touch with voters.

Article 10

32. There had not been any reduction in the education budget but rather a substantial increase, particularly in the early childhood and tertiary sectors, in response to increased enrolments. Rural schools in New Zealand closed only when the school enrolment fell below 10 students: only 5 of 2,811 rural schools had been closed in 1993, and at the same time three new rural schools had been

(Ms. O'Regan, New Zealand)

opened. Very small schools were being consolidated into larger, higher quality units of 50 pupils or more. The Government provided transport assistance, depending on the pupil's age and distance from the nearest school and the availability of public transport. There were no fees for correspondence courses for primary and secondary schoolchildren and only very low fees for adults at that level, which did not seem to have affected enrolment. The Government was meeting the educational needs of rural areas through the creation of schools for children aged 5 to 18, weightings in operational school funding, and funding for a wide range of services including, inter alia, home-based early childhood services, boarding allowances where necessary and "remote service" allowances for teachers.

33. Ms. ROWE (New Zealand) observed that in order to expand opportunities for disadvantaged groups to participate at all levels of the educational system, the Government had attempted during the past five years to change teaching practices and approaches to the curriculum and, indeed, the participation and retention rates for Maori girls at the pre-tertiary level had been steadily improving.

34. The overall number of Maori and Pacific Island girls entering tertiary education was not declining, it was just that fewer entered directly from secondary school. Indeed, between 1986 and 1991, the total number of Maori university students had more than doubled and half of those were women; the proportion of Maori in the total student population had risen from 3.7 per cent to 6.7 per cent, with an average annual growth rate of 21 per cent, and similar increases had been reported at polytechnic institutes.

35. Differences in the participation rates of population groups at tertiary institutions did not constitute prima facie evidence of discrimination, there being many other factors to be taken into account. The Government was working to improve the participation and retention rates and attainment levels of Maori and Pacific Island girls and women at all levels, through a range of strategies including the development of ethnically sensitive curricula; a 10-point plan for Maori aimed at encouraging Maori language initiatives at all levels; the involvement of Maori families as partners in education; the hiring of more Maori teachers in higher education; the establishment of government-funded programmes in which Pacific Island children were immersed in their own language and culture; and the development of a programme focusing on parental education for women with young children.

36. As to making tertiary education more accessible, the New Zealand Government provided deferred loans to students to cover fees and living expenses. The Ministry of Education's figures indicated that more women of a mature age were currently participating in tertiary education than in the past, their numbers having doubled since 1988. Moreover, the numbers of women and men enrolled in veterinary science, medicine and dental surgery were currently comparable. By 1991, women graduates in science-related subjects had risen to 54 per cent in medical science, 46 per cent in the natural sciences, 27 per cent in mathematics and computer sciences and 10 per cent in engineering. Science and engineering faculties in universities, aware of the underrepresentation of women, were making efforts to increase their numbers, and some faculties had developed formal equal-educational-opportunity programmes and strategic plans to that end.

(Ms. Rowe, New Zealand)

Article 11

37. While unemployment rates of Maori and Pacific Island women had declined between 1991 and 1993, they remained significantly higher than that of European women (21.4 per cent, 19.8 per cent and 6.1 per cent respectively). A number of factors contributed to that situation, including the restructuring of the economy, which had led to a reduction in the number of unskilled jobs, a shift away from the manufacturing sector, where Maori and Pacific Island women were concentrated, a lack of employment opportunities in regions where Maori women were concentrated, and lower levels of school attendance and educational achievement with consequently limited access to tertiary education.

38. The Government believed that education and training was vital for Maori and Pacific Island women seeking jobs, and had founded the Education and Training Support Agency to run courses for people without formal schooling, which it was hoped would be attended by 50 per cent Maori and 10 per cent Pacific Islanders. It should be noted that the Maori people comprised 12 per cent of the total New Zealand population and Pacific Islanders 5 per cent. The courses in question took place in a wide variety of local and community settings and sought to enhance skills. As another way to assist Maori women seeking jobs, the Government's New Zealand Employment Service had organized the Wahine Ahuru-Turning Point programme, in which female Maori employment advisers worked with Maori clients; and there had been a number of successful placements. There were similar programmes for Pacific Island women as well.

39. With regard to the defence of the rights of women workers by trade unions, it was the position of the New Zealand Council of Trade Unions that they had consistently provided support in four ways: the promotion of public policies ranging from equal pay to parental leave to protection against sexual harassment; industrial bargaining, aimed particularly at reducing the differential between gender-based hierarchical structures; the encouragement of equal-employment-opportunity programmes and data collection to reveal discrimination; and the furnishing of support in grievances against employers.

Article 12

40. Ms. O'REGAN (New Zealand) said, with regard to the impact of the decentralization and restructuring of the health care system on women, that the mechanisms by which health services, almost 80 per cent of which were publicly funded, were financed and delivered had been reorganized in an attempt to improve access and effectiveness while holding down costs. In July 1993, New Zealand's 14 area health boards had been replaced with 4 regional health authorities which acted as purchasers of services from the best provider, whether public, private or voluntary. The regional health authorities were to be funded equitably according to their populations. A core national advisory committee on health had been established to advise the Government on the best mix of services to be funded through the regional health authorities, and both the committee and the authorities were consulting with their populations about the services they purchased.

(Ms. O'Regan, New Zealand)

41. There were four sources of policy advice on women's health: the Ministry of Health; the Public Health Commission, which acted as purchaser of public health services; the Ministry of Women's Affairs; and a ministerial advisory committee on women's health, which monitored regional health authorities and advised the Ministry of Health on priorities. The major public hospitals had been restructured into 23 crown health enterprises, which contracted with the regional health authorities and the Public Health Commission to provide services. Primary care services continued to be provided by a wide range of public, private and voluntary agencies, and were also purchased by the regional health authorities.

42. The Government's medium-term objectives for health services included improving access to health and disability services, and improving their quality, appropriateness and efficiency; ensuring a high standard of protection from public health risks; bringing the Maori to the same level of health as non-Maori; directing government assistance to the most needy; recognizing the needs and importance of family and non-professional caregivers and voluntary agencies; and widening the available choice of health and disability services and providers.

43. Under the restructured health system, women's access to services should be maintained and in some cases improved, particularly for Maori women. The mix of services provided would, however, change as the emphasis shifted to equity of access, effectiveness and acceptability, and health gains. Funding would also be redistributed more fairly among geographical regions. There would be more women health care providers such as Maori women running birthing centres in the Maori tribal community centres. The trend towards shorter hospital stays and de-institutionalization would undoubtedly place greater pressures on community and family-based care; and a major aim of the reforms had been to release funding from traditional institutions to that area where the need was greatest. For the first time, a consumer protection system would be set up to protect the rights of women. An ethics committee network was already in place, as was legislation to protect the privacy of health information. A consumer advocate network was being developed. Draft legislation was currently before the Parliament to appoint a health commissioner who would develop a code of consumer rights, promote awareness of those rights, investigate breaches of the code and develop guidelines for consumer advocates. Medical practitioner disciplinary legislation was also being reviewed.

Article 14

44. Although oldest sons continued to be given first choice of inheriting a family farm (CEDAW/C/NZE/2, p. 61), that was the practice but not the legal position. Nevertheless, agriculture was still perceived by many as a male occupation, even though more women than ever before were now in full partnership with their husbands, or were moving into the farming sector as managers or owners.

45. The CHAIRPERSON said that the representatives of New Zealand had given a full picture of the status of women in their country and she expressed the hope that the Government would be able, in the future, be able to withdraw its remaining reservations to the Convention.

(The Chairperson)

46. The Committee had been impressed by the measures taken in New Zealand to stem violence and, in particular, by the Government's position on violence within the family. Its very innovative measures against pornography were also to be commended.

47. New Zealand clearly recognized that the human rights of indigenous people and women needed particular protection, especially during the current time of recession. However, with respect to New Zealand's efforts to comply with article 12 of the Convention, she did not believe that the right solutions had been found to date.

48. Ms. TALLAWY said she, too, had been impressed by the thoroughness of New Zealand's report, the legislation it had enacted relating to equality issues, and by the projects implemented in connection with the celebration of the centennial of women's suffrage in that country. On the question of the repercussions of structural adjustment programmes, she wondered whether the Government had carried out any studies to assess the impact on women of cutbacks in health, education and other social programmes. Lastly, she said that New Zealand, as a developed country had certain responsibilities at the international level with respect to women's issues and she hoped that the Government would live up to its responsibilities by contributing bilateral and multilateral assistance for women's projects and by offering training courses and scholarships for foreign women.

49. Ms. ABAKA wished to know why New Zealand had not extended assistance to the Cook Islands for the preparation of a report. With regard to article 5, she was puzzled to see that New Zealand law equated domestic violence with assault on a stranger. In her view, domestic violence represented an infringement of woman's basic rights, since it involved violence directed at women simply on the basis of gender. Also, she questioned whether the Employment Contracts Act of 1991 would have a beneficial impact on the economic status of women. Indeed, it was possible that the Act could undermine the effectiveness of trade unions, many of whose members were women. Lastly, she wished to know the reason for setting the minimum age of eligibility for the country's mammography-screening pilot programmes at 50 years, since breast cancer could be detected much earlier.

50. Mr. McKINNON (New Zealand), in response to the question of Ms. ABAKA, said that, previously, New Zealand had provided assistance to the Cook Islands in preparing reports on human rights instruments. However, since the Cook Islands had become a self-governing State in free association with New Zealand, they preferred to draft their own reports.

51. Ms. AOUIJ wished to know what other special measures for women had been taken during the suffrage centennial, since it provided an opportunity for the Government to take advantage of heightened political will to adopt additional legislation. Also, she had been surprised to note the absence of paid maternity leave for women.

52. She shared the views expressed by previous speakers with regard to the Employment Contracts Act of 1991. In that connection, she wondered if women would not be put at a disadvantage in negotiations with employers as a result of

(Ms. Aouij)

the legislation. With regard to article 6 of the Convention, she asked if prostitution was legal in New Zealand and what role procurers played. Lastly, she shared the concern expressed by previous speakers regarding the equating under New Zealand law of violence against women with simple assault.

53. Ms. BUSTELO said that the report could serve as a model for other countries, however, she would have liked to see a detailed analysis of the remaining obstacles to total equality for women in New Zealand. Moreover, she hoped that, in the future, New Zealand would submit information on increases or decreases in rates of violence against women. In addition, she wished to know more regarding male attitudes towards sharing of responsibilities in the area of household work and child care. Lastly, the report could have included more information on the obstacles faced by women in attaining high-level posts, especially in government. She wondered if recent changes in New Zealand's political system had led to greater participation by women in decision-making.

54. Ms. KHAN said the report represented an extensive survey of progress made by New Zealand in promoting women's rights. However, despite specific measures taken by the Government, particularly in the area of education, differences persisted with regard to educational opportunities for Maori women as compared to other women. Having taken so many measures to create equal opportunities for Maori women, perhaps those efforts were not very effective.

55. With regard to article 6 of the Convention, she wondered why it was illegal for a prostitute to solicit a client but not for a client to solicit a prostitute. Also, in a country in which women represented only three per cent of the workforce, she found it surprising that women did not receive paid maternity leave. In that connection, she wondered what role women's organizations were taking in efforts to focus the attention of the Government on the question of paid maternity leave.

56. Ms. MAKINEN said that, since economic independence of women was the basis for de facto independence of women in society, she took an interest in employment issues affecting women. According to information from non-governmental organizations, unemployed persons in New Zealand were required to wait six months before receiving unemployment benefits. She wondered how mothers with children were supported during the six-month waiting period. Also, she shared the concerns expressed by previous speakers regarding the absence of paid maternity leave.

57. Ms. NIKOLAEVA said she found the report to be very satisfactory overall. However, the Committee needed to have more information regarding the specific steps taken to implement and enforce women's rights legislation in New Zealand. For example, to date, New Zealand had not removed its reservations to the Convention in certain important areas. Also, the number of women holding seats in Parliament remained low. With respect to the law on equal opportunity employment, she noted that the unemployment rates for women continued to outpace those for men. The reason for the difference, as explained in the report, was that women did not work full time; however, if that was the case, New Zealand

(Ms. Nikolaeva)

would need to do more to encourage women to take full-time jobs. Also, if the social security benefits received by men and women were equal, women were being short-changed, since women tended to live longer than men. Lastly, she agreed with the comments of previous speakers regarding violence against women.

58. Ms. OUEDRAOGO said that the report provided a very detailed picture of the actual situation in New Zealand with respect to discrimination against women. However, she believed New Zealand needed to take further steps to eliminate discrimination against minority women. Social welfare programmes directed towards minority women should be extended. Also, the Government needed to devote more attention to the problems of new types of families, including single-parent families. Furthermore, there was a need for additional steps to ease the problem of women's unemployment and to increase women's salaries.

59. Ms. SCHOPP-SCHILLING said that she hoped the next report would speak at greater length about the obstacles encountered in eliminating discrimination against women in New Zealand. She noted on page 12 of the report that the Human Rights Commission Act 1977 did not cover private clubs and political parties and wondered why that was.

60. On the issue of equal pay for equal work, it was noted in the report (p. 40) that the Working Party on Equity in Employment had decided that it was not in its province to deal with the question. Yet much work was currently being done, for instance, in the United States in re-evaluating women's jobs, and a body such as the Working Party could unquestionably do some such work in New Zealand without interfering with the private sector, simply by pointing out the kinds of methods that had to be followed by both employers and trade unions to achieve greater equity in pay.

61. Ms. LIN Shangzhen said that she was pleased that the Ministry of Women's Affairs was so well budgeted and staffed, and wondered whether there were corresponding local mechanisms dealing with women's issues that could support the Ministry's work. She would also like information on the position of that Ministry on structural adjustment.

62. Ms. UKEJE commended New Zealand for a beautifully prepared and interesting report and urged that Government to review the legislation on maternity benefits.

63. The effects of structural adjustment hurt women the most, and the Committee must take a position on the matter, perhaps requesting a study that would allow it to suggest ways of mitigating its impact.

64. Ms. GARCIA-PRINCE observed that the richness of the information in the replies given showed that New Zealand was aware of the existence of a discriminatory culture in the country and had the political will to combat it. In the next report there should be a clearer and franker discussion of the critical areas of discrimination with which the Government was grappling. It should also provide more information about the impact of the structural adjustment programme, especially as it concerned the employment of women in a shrinking labour market.

(Ms. Garcia-Prince)

65. She would also like further information on the equality of men and women under the inheritance law, on institutions through which women could claim their rights, and on the situation of Maori women working in the political and public sectors.

The meeting rose at 1.15 p.m.